

From Mary Rose Krygsman-Sinkin  
P.O. Box 944  
Hilo, Hawai'i 96721  
(808) 961-5084  
2rainbow@ilhawaii.net

To Donna Wieting  
Chief Marine Mammal Conservation Division  
Office of Protected Resources  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910-3226

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Aloha Ms. Wieting,

I am writing the following testimony in opposition of to deployment of the US Navy's Low Frequency Active Sonar in all of its possible expressions and I am urging you to stand strong and protect the oceans and its small and giant living and breathing creatures, a job that you are responsible for and a job that taxpayers are making possible for you. If you, in your capacity, do not protect the Oceans and its Creatures, who will, who can and who does?

#### PERSONAL EXPERIENCE

Ever since the Navy came to test their Low Frequency Active Sonar silent submarine finding system off of the West Coast of Hawai'i in March 1998, my husband, Lanny Sinkin, and I have been working on this issue, at first by filing two lawsuits during that time.

In preparing evidence for one of the lawsuits I was sitting at home copying a tape of the noise of LFA that was produced off of the Kona coast and recorded by a captain of a tour boat by means of his hydrophone. While I was making the copy of the tape for the Judge and for the US Attorney, I became disoriented and nauseated. I distinctly had the sense that this was a destructive and intimidating noise and started wondering whether this system indeed was being developed for the purpose of detecting enemy silent submarines, or was it maybe intended to be used as a weapon? I regret that I did not express this earlier, so that this could be part of the evidence and testimony as of March 1998.

## FLAWED SCIENCE

I have always been told that good science is the meticulous gathering of data before, during and after research and experimentation. It is almost impossible to find another scientific experiment that is more scientifically flawed:

- only a few species of whales have been tested on (Blue, Grey, Fin and Humpback Whale) and that at 120 to 150 dB, 5,000,000 times below the acoustic intensity of the actual planned deployment level of at least 215 dB. There is no such thing as being able to say with scientific certainty that nothing bad is going to happen at 5,000,000 times more intensity, even if the bad thing supposedly did not happen at the lower intensity. Long term effects on whales and dolphins and other species like humans, sea snakes, fish, coral, plankton, turtles, sea lions, manatees, sharks, harlequin shrimp, have not at all been researched.

- \$ 350 million dollars of taxpayer's money had already been spent before completing an Environmental Impact Statement. A lot of this money had been spent before the taxpayers actually had wind of this destructive project. There is no such thing as being able to be objective, which means not being emotionally attached to the outcome of this project, if one has already made such an enormous investment of time and money. This can not be used now as an excuse to go forward with deployment, but this argument is being used in the name of "National Security." It is quite arrogant and also incongruous to want to deploy this LFAS system in 80 percent of the planet's oceans, which means all of the oceans, except the icecaps, in the name of National Security, by which I think is meant the Security of the Nation of the United States. What about all the other countries that are within or surrounded by those 80 percent of the planet's oceans? Are they agreeing that whales, who migrate to their waters, are being harassed? We are not living in the old paradigm anymore, where humans feel superior over nature and creatures of nature. We are now living in a new paradigm where respect for all living beings is being lived and expressed by all. "Behave as if God in all life matters." Who are we, of the human species, of the same DNA family group as mice, rats, Rhesus monkeys and Old World Porcupines to name a few, supposedly superior, to decide that harassing or taking (what a ridiculous old paradigm word) whales and dolphins is allowed. If we truly are superior, then 'harassing or taking' would not be in our vocabulary. We would have risen above and beyond that immature behavior.

- In 1998, the Navy contracted with scientists to perform tests of the SURTASS LFA system off the Island of Hawai'i. The scientists applied to the National Marine Fisheries Service for permission to harass humpback whales during their mating and calving season. Dr. Peter Tyack was one of the scientists. In their application, the scientists stated: "If any unexpected responses, such as major modification of whale behavior in the area, especially among mother-calf pairs, are observed, or if any reaction is noted that raises the possibility of any deleterious effect on the whale subjects, the playback experiment will be terminated."

NMFS issued such a permit with the following conditions:

Source transmission shall be suspended immediately if an acute behavioral response (e.g. repeated/prolonged activity (vocalization, breaching, blowing, time on surface etc.),

potential injurious activity, abnormal number of animals present or absent in the area, abnormal mother-calf activity, or erratic swimming behavior of pinnipeds, small cetaceans, or sea turtles) by a marine mammal or sea turtle is detected.

NMFS failed to enforce those conditions when numerous observers in boats, on shore, and in the air reported an abnormal disappearance of whales from the test area. One of the lawsuits filed at that time to challenge that NMFS failure to act was dismissed as moot when the tests stopped. Then NMFS changed the conditions on a later permit for LFA research. Harassment actions prohibited before are now allowed and can be inflicted up to three times per day. The arbitrary nature of NMFS regulatory protection of cetaceans (which is the express purpose of the existence of NMFS) suggests an overly solicitous approach to LFA research and a sudden removing of regulatory protection of cetaceans previously considered. Please be aware of the fact that we humans have only existed about 3 million years on this planet and that the whale family has existed for about 500 million years. The whale family is far more divinely inspired and is far more mature than their war mongering and war preserving human planet-earth-coinhabitants. Imagine the possibility that there is a war and nobody goes . . .

## **TIMES OF WAR**

Being born in the Netherlands, I am painfully aware of the German U-boats appearing on the East Coast of the United States during World War II and what an embarrassing discovery that must have been for the United States. 20 years ago, when the Navy was starting the research of the need of a system like LFAS, we were still full on in the Cold War, generated by World War II. Never again did the United States wish to be surprised this way by enemy submarines. And so the research began. At that time passive sonar was still very much in the formative stages. Now though, major advancements have been made in the area of passive sonar, even so much that Rear Admiral Malcolm I Fages, US Navy Director, Submarine Warfare Division, Office of the Chief of Naval Operations, and Rear Admiral JP Davis, US Navy Program Executive Office for Submarines, have stated before the House Armed Services Committee Military Procurement Subcommittee on Submarine Force Structure and Modernization on 27<sup>th</sup> June, 2000: "Surveillance Towed Array Sensor System (SURTASS) Twin Line operations in 1998 and 1999 demonstrated the ability to detect advanced diesel submarines at substantial ranges in the littoral environment where contact was previously thought to be 'unobtainable' by the operational commander." Admiral Fages further stated: "Development of the new Advanced Deployable System (ADS) will provide a rapidly deployable acoustic array installed on the ocean floor that provides littoral undersea wide-area surveillance and real time cueing. ADS development is moving along smoothly with potential for accelerated capability development."

When a Navy admiral has testified before Congress that the advanced passive systems are capable of detecting the newer quiet submarines in the coastal environment and at substantial range, NMFS can take official notice of that testimony and require the Navy to provide a more adequate presentation on alternatives in the FEIS. If there is an alternative technology that reduces the taking of marine mammals and other creatures to

zero, then that technology reduces the taking to the lowest level practicable and should be required under the MMPA.

Admiral Fages stated the above last year 27<sup>th</sup> June, 2000. On the 28<sup>th</sup> June everybody in the NMFS assigned to the permits around deployment of LFAS, should have breathed a sigh of relief, that now a system capable of the same function was made available by another department of the Navy and that therefore no permits to deploy LFAS would be necessary and that the NMFS could undertake again what taxpayers are paying them to do: "protecting the oceans and the marine mammals." And not "protecting a flawed and destructive system run by the Navy, just because it is the Navy and or just because the NMFS has not exactly been objective and, therefore, has a hard time changing that attitude now." The department of the Navy, invested in the LFAS, now looking for a mission for LFAS, can now invest in a non-taking and therefore harmless technology and should all be directing their energy to the passive sonar research. I know that careers have been made, emotional investments have been made, status quo is difficult to change. All spiritual people can make a career change without losing face. And we are all spiritual people, having a physical experience, just expressing that spirituality on different levels and in different ways. When my husband, Lanny Sinkin, went to Honolulu to be present at the inauguration of the nuclear submarine, the USS Hawai'i, he and then Secretary of the Navy Richard Danzig had an interesting conversation about LFAS. Mr. Danzig was wondering why so few dead or stranded whales had been found if this LFAS system was truly so dangerous as we professed. Mr. Danzig apparently was not aware of the fact that strandings of whales are very infrequent or not the norm. Only Right Whales float, when dead; other whales who have died, sink. So indeed, we never know what damage already has been taking place. In that same hour, Lanny spoke with a submarine captain, who said "we love the whales, I have made CDs of their songs while they are swimming alongside our submarine on the same route. We do not like to turn our sonars on, because all wildlife leaves when we do."

## INADEQUACIES AND CONFLICT OF INTERESTS

The US Navy is preparing to deploy a low frequency active sonar system that seriously threatens the marine environment, including endangered whales and other species. The Navy illegally spent hundreds of millions of dollars on this system, despite never completing the environmental impact statement. The momentum of these illegal expenditures is causing the Navy to ignore credible evidence that this system is too dangerous to deploy.

LFA sonar is unnecessary Admiral Fages testified before the House Armed Service Committee on June 27<sup>th</sup>, 2000, that the Navy has recently developed two passive listening systems that can detect silent submarines. These systems are not hazardous to marine life.

LFA kills marine mammals, as evidenced by the mass stranding of Cuvier's beaked whales off Greece in May 1996 when a NATO vessel was testing LFA sonar.

The Navy's mid-range sonar was responsible for the deaths of numerous cetaceans in the Bahamas, demonstrating that the Navy has inadequately evaluated the environmental impacts of a system they are already using.

LFA sonar was tested on only 4 species of whales for about a month each. No tests were ever conducted at full strength or at war strength. No consideration of long-term exposure to LFA at full strength effects on the breeding, feeding, migration and reproductive rates of whales, dolphins and hundreds of other marine species.

In the Navy's tests, although at much lower levels than the deployment level, LFA caused marine mammals to avoid LFA noise, stop singing, change their song, abandon their calves and otherwise disrupt their normal behaviors.

The Navy's Final Environmental Impact Statement downplays and even ignores the known adverse environmental impacts of LFA sonar.

LFA sonar will not work strategically to protect the Navy because broadcasting such a loud noise would act as a beacon for an enemy's targeting purposes.

NMFS should not give the Navy the benefit of their illegal actions by permitting the Navy to proceed to deployment in the absence of adequate scientific research into the environmental effects of deployment. To do so would be to reward the Navy for its illegal actions. Given that NMFS was aware that the Navy had refused to prepare an EIS in the first ten years of SURTASS LFA development, NMFS has even more reason to fulfill its legal responsibility to ensure marine life is protected by decisions based on adequate scientific research.

The FEIS on page 14-1 provides a List of Preparers and Reviewers. (14-1). The only federal agency appearing on that list, other than the Department of the Navy, is NMFS. The EPA, U.S. Fish and Wildlife Service, the National Ocean Service, and the Marine Mammal Commission also appear as agencies invited to participate as cooperating agencies. They do not appear on the List of Preparers and Reviewers. The List of Preparers and Reviewers specifically identifies those who served as reviewers. The designation of reviewer does not appear after either Mr. Hollingshead or Mr. Gentry of the NMFS, Office of Protected Resources. It is reasonable to conclude that Mr. Hollingshead and Mr. Gentry helped prepare the document. The past history of nonfeasance and the current history of conflicting interest place a very high burden on NMFS to demonstrate objectivity in their evaluation of the adequacy of the FEIS. When the flaws are obvious, as in the FEIS submitted by the Navy, the refusal to acknowledge those flaws would be simple proof of conflicting interests at work.

## CONCLUSION

I am asking you to form a committee of objective people to truly and honestly study this issue in depth and come up with all possible reasons why this SURTASS LFA sonar system should never be deployed.

And once more I am asking you to stand strong in your responsibility to protect the Oceans and its Living Creatures and to deny the US Navy's application for permission to deploy the SURTASS LFA sonar system.

I wish you all the strength, all the love and all possible divine inspiration (just listen to the whales and dolphins in the silence of your heart)

With much Aloha

Mary Rose Krygsman-Sinkin

A handwritten signature in cursive script, reading "Mary Rose Krygsman-Sinkin". The signature is fluid and elegant, with the first letters of the first and last names being capitalized and prominent.